

## REMARKS

### **Amendments to the Specification**

The specification is amended to insert sequence identifiers for SEQ ID NOs:5-48 as required by 37 C.F.R. § 1.821(d). These amendments introduce no new matter.

### **Status of and Amendments to the Claims**

This amendment cancels originally-filed claims 1-52 without prejudice to subsequent renewal, and introduces new claims 53-72. Claims 53-72 are pending with entry of this amendment. The claim amendments are made without prejudice and are not to be construed as abandonment of any previously claimed subject matter. Please note that Applicants reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

New claims 53-72 are fully supported in the specification as filed and add no new matter. Support for claim 53 and claims 54-59 which depend from it is found in original claim 33, as well as, for example, page 12 line 17 - page 13 line 3, page 13 lines 15-18, page 15 line 26 - page 16 line 11, page 32 lines 1-24, page 32 line 29 – page 34 line 7, Example 8 on page 64, and Example 9 on pages 64-65. Additional support for claim 60 may be found, for example, at least on page 16 lines 28-30 and in Example 10 on page 66. Additional support for claims 61-62 may be found, for example, at least on page 17 lines 1-15 and in Example 11 on pages 66-68. Additional support for claim 63 may be found, for example, at least on page 17 lines 1-15 and in Example 12 on pages 68-69. Additional support for claim 64 may be found, for example, at least on page 17 line 32 - page 18 line 6 and in Example 13 on pages 69-70. Additional support for claims 65-66 may be found, for example, at least on page 14 line 16 – page 15 line 12. Additional support for claim 68 may be found, for example, at least on page 38 lines 17-23, page 41 lines 19-23, and in Examples 6-7 on pages 62-63. Additional support for claims 70-72 may be found, for example, at least on page 13 lines 27-29, page 38 lines 17-23, page 41 lines 19-23, and in Examples 6-8 on pages 62-64.

**Restriction**

Original claims 1-52 were restricted under 35 U.S.C. § 121 into the following groups:

- I. Claims 1-42, 47, and 48, drawn to a conjugate; a variant; or a pharmaceutical composition; classified in class 514, subclass 2, and class 530, subclass 350.
- II. Claims 43-46, and 51, drawn to a nucleotide sequence; an expression vector; a host cell; and a method of producing; classified in class 536, subclass 23.1, and class 435, subclasses 320.1 and 252.1.
- III. Claims 49 and 50, drawn to a method for treating or preventing a disease; classified in class 514, subclass 2, and class 530, subclass 350.
- IV. Claim 52, drawn to a method for increasing the functional *in vivo* half-life of a protein C polypeptide; classified in class 514, subclass 2, and class 530, subclass 350.

**Election**

Applicants elect Group I for prosecution in this application, without traverse. New claims 53-69 are drawn to this invention group.

The Examiner further noted that, should Group I be elected, Applicants were required to select "...one variant of protein C from claims 33, 36, and 37". Applicants hereby elect the variant of claim 33 comprising a substitution at position K251 for examination in this application. All currently-pending claims in this application all read on the elected variant comprising a substitution at position K251. Applicants reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

**Request for Rejoinder**

New claims 70-72 are drawn to a method for preparing the variant of claim 53. These process claims incorporate the limitations of elected Group I product claim 53. In the event any product claims are found allowable, Applicants request rejoinder and examination of these process claims in this application, pursuant to 35 USC §121 and MPEP §821.04.

### CONCLUSION

This amendment cancels 52 claims (56 claims counting multiple dependencies, 3 independent) and enters 20 claims (1 independent). It is therefore believed no additional fee is required beyond that for the two month extension of time. However, if an additional fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0990. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

Maxygen, Inc.  
Intellectual Property Department  
515 Galveston Drive  
Redwood City, CA 94063  
**Customer Number 30560**

Phone: (650) 298-5452 (direct)  
(650) 298-5300 (main)  
Fax: (650) 298-5446

Respectfully submitted,



Joanne R. Petithory, Ph.D.  
Reg. No. 42,995